

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NHC LLC, a Florida limited)	
liability company,)	
)	
Plaintiff,)	
)	No. 19 C 6332
vs.)	Chicago, Illinois
)	November 22, 2023
CENTAUR CONSTRUCTION COMPANY)	10:30 a.m.
INC., an Illinois corporation,)	
SPIRO TSAPARAS and)	
PETER ALEXOPOULOS,)	
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS - MOTION

BEFORE THE HONORABLE MATTHEW F. KENNELLY

APPEARANCES:

For the Plaintiff:	DAVIS MC GRATH LLC 125 South Wacker Drive Suite 300 Chicago, Illinois 60606 BY: MS. GINI S. MARZIANI
For the Defendant:	AMUNDSEN DAVIS, LLC 150 North Michigan Avenue Suite 3300 Chicago, Illinois 60601 BY: MS. KIMBERLY A. HERRING MR. CONSTANTINE GAVRILOS

Official Court Reporter:	JENNIFER COSTALES, CRR, RMR, CRC 219 S. Dearborn St., Room 1928 Chicago, Illinois 60604 (312) 435-5895 <i>jenny.uscra@yahoo.com</i>
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1 (Proceedings in open court)

2 THE COURTROOM DEPUTY: Case 19 C 6332, NHC versus
3 Centaur Construction.

4 THE COURT: Sorry to keep you waiting. Good morning.

10:28:33

5 MS. MARZIANI: Good morning, Your Honor. Gini
6 Marziani on behalf of the plaintiff.

7 MR. GAVRILOS: Good morning, Your Honor. Constantine
8 Gavrilos on behalf of defendants.

10:28:43

9 MS. HERRING: Kim Herring also on behalf of
10 defendants.

11 THE COURT: Okay. So have you guys talked at all
12 before coming in here about what we're doing today?

13 MS. MARZIANI: We've had conversations.

14 THE COURT: Okay. So what are we doing today?

10:28:56

15 MS. MARZIANI: Well, I think that today --

16 THE COURT: Let's put aside the McFadden thing for
17 the moment. Let's just talk about everything else.

18 MR. GAVRILOS: Your Honor, if I may? We had filed
19 the motion to claim exemptions --

10:29:06

20 THE COURT: Yep.

21 MR. GAVRILOS: -- a week ago or two weeks ago on
22 Friday.

23 THE COURT: That's one of the things we're doing
24 today.

10:29:12

25 MR. GAVRILOS: Counsel and I have conferred on those

1 exemptions. It's my understanding, and I'll let counsel jump
2 in and correct if need be, that virtually 95 percent of those
3 exemptions will not be objected to.

4 THE COURT: Okay.

10:29:22

5 MR. GAVRILOS: I believe the one at issue pertains to
6 the wage calculation regarding defendant Peter Alexopoulos'
7 wages. Aside from that, it's my understanding that all of the
8 other exemptions asserted on behalf of Mr. Tsaparas and
9 Mr. Alexopoulos will not be contested by opposing counsel.

10:29:39

10 THE COURT: Pronounce the first person's name again.

11 MR. GAVRILOS: Spiro Tsaparas.

12 THE COURT: I've been mispronouncing it for four
13 years.

10:29:48

14 MR. GAVRILOS: I mispronounce my own name all the
15 time. Greek names are tough.

16 THE COURT: I'm actually usually pretty good at them
17 because I worked for a law firm called Cotsirilos at one point
18 in time.

19 MR. GAVRILOS: Fair enough.

10:29:59

20 THE COURT: So I learned some things. But that one
21 got past me. All right. So I won't make that mistake again.
22 Tsaparas.

23 Is what he just said right?

10:30:07

24 MS. MARZIANI: Your Honor, not quite. I think we
25 have an agreement as far as the statutory exemptions and that

1 Illinois law will control, and in particular with regard to
2 Mr. Tsaparas --

3 THE COURT: Tsaparas.

4 MS. MARZIANI: Tsaparas.

10:30:34

5 THE COURT: I was putting the accent on the wrong
6 syllable.

7 MS. MARZIANI: Tsaparas. I was also --

8 Mr. Tsaparas's wages from M Sourcing LLC.

10:30:48

9 THE COURT: Is that the company you were referring to
10 or it's something different? It's something different?

11 MR. GAVRILOS: Yes.

12 THE COURT: Okay. Keep talking.

10:31:00

13 MS. MARZIANI: So we are in agreement with that. In
14 the exemption motion, there isn't any reference to the fact of
15 when those wages should have been paid to --

16 THE COURT: Okay. So I'm going to go back to my
17 first question then. You tell me what we're supposed to be
18 doing today. My goal is you guys walk out of this courtroom,
19 I'm done with you. I am done with you, a hundred percent
20 done, unless something comes up after today that nobody could
21 anticipate, because I want to be done with this, okay.

10:31:20

22 So what is your view of what we're doing today?

23 MS. MARZIANI: My view was that we would be able to
24 come to an agreement at least on the way --

10:31:36

25 THE COURT: This is set for a citation examination

1 for the two individual defendants. That's what this is.

2 MS. MARZIANI: Your Honor, I understand that. And I
3 know that you are not happy --

10:31:50

4 THE COURT: That is not even close to capturing it,
5 not even in the ballpark.

6 MS. MARZIANI: Yeah. I've mentioned this to my
7 family many times. And I apologize for my contribution to
8 making you --

10:32:05

9 THE COURT: No, it's not -- we're just, we're all
10 floating around out here with nobody knowing exactly, and in
11 particular me, not knowing exactly what is going to happen.

12 So you served citations to discovery assets on
13 people. The law contemplates a hearing. We are having it.
14 It's today.

10:32:18

15 MS. MARZIANI: Your Honor, I understand your position
16 on that.

17 THE COURT: It's not my position. It's what the
18 statute says.

10:32:27

19 MS. MARZIANI: I know. But the examinations do not
20 take place in front of the judge unless there is --

21 THE COURT: You are mistaken. Let me read to you
22 what the statute says. This is 735 ILCS 5/21402B.

10:32:51

23 And it's the -- I'm sorry, it's not B, it's maybe C.
24 What it basically says, I had it earlier this morning, it
25 basically says it's in front of the judge, or if the judge

1 orders, in front of somebody else. That's what it says.

2 MS. MARZIANI: Respectfully, Your Honor, the times
3 that they are in front of a judge is when there is a problem
4 during the examination.

10:33:06

5 THE COURT: But how do you know that until you've
6 started it?

7 MS. MARZIANI: Exactly. I also believe that --

8 THE COURT: Okay. So let me ask you a different
9 question then. When did you serve these citations?

10:33:18

10 Approximately what date?

11 MS. MARZIANI: On May and June of -- on the two
12 individual defendants.

13 THE COURT: The two people we're talking about.

14 MS. MARZIANI: Yes.

10:33:29

15 THE COURT: And how long do those things last under
16 the law?

17 MS. MARZIANI: They last six months from appearance
18 date.

19 THE COURT: Does that run six months from the
20 appearance date?

10:33:39

21 MS. MARZIANI: Yes.

22 THE COURT: So do you have an indefinite amount of
23 time to set the appearance?

24 MS. MARZIANI: Yes.

10:33:44

25 THE COURT: So you just forever? In other words, you

1 can say four years from now -- that's what "indefinite" means,
2 right?

3 MS. MARZIANI: Your Honor, I don't, I don't want to
4 be disrespectful or argue with you in any way, shape or form.
5 To answer your question, what I thought was going to happen
6 today was I thought we were going to discuss exemptions.

7 THE COURT: It's Illinois Supreme Court Rule 277(e).
8 That's what I was referring to before, 277(e). I'm going to
9 quote it.

10 "The examination of the judgment debtor, third party
11 or other witnesses shall be before the Court, or, if the Court
12 so orders, before an officer authorized to administer oaths
13 designated by the Court, unless the judgment creditor elects,
14 by so indicating in the citation or subpoena served or by
15 requesting the Court to so order, to conduct all or a part of
16 the hearing by deposition as provided by the rules of this
17 Court for discovery depositions."

18 So it says Court, unless the Court orders it to be in
19 front of somebody else who is allowed to administer oaths,
20 unless you elect by indicating in the citation or asking me to
21 conduct all or part of the hearing as a deposition.

22 MS. MARZIANI: Yes.

23 THE COURT: Did you do the latter?

24 MS. MARZIANI: We haven't asked you for that, no.

25 THE COURT: Did you do it in, did you in --

1 MS. MARZIANI: No, we did not do it in the citation.

2 THE COURT: Okay. That one is out. So now we're now
3 to one and two. That's what the Illinois Supreme Court rule
4 says. And Rule 69 adopts state court procedure.

10:35:15

5 So that's why you're here today.

6 MS. MARZIANI: Your Honor, I agree with you 100
7 percent on that. I don't -- we would ask you to have the
8 citation examinations be conducted outside of your presence in
9 front of a court reporter.

10:35:31

10 THE COURT: When?

11 MS. MARZIANI: We wanted to take Ms. McFadden's
12 citation examination first. I requested that examination
13 October 9th. I gave four dates in which those --

10:35:48

14 THE COURT: You are going to answer my question at
15 some point.

16 MS. MARZIANI: What is your question then? I'm
17 sorry.

18 THE COURT: My question was when?

10:35:56

19 MS. MARZIANI: We wanted -- it would be after
20 Ms. McFadden's deposition citation.

21 THE COURT: So the short answer is you don't know,
22 because you don't have Ms. McFadden's examination yet.

10:36:15

23 MS. MARZIANI: I wouldn't characterize it as that.
24 It would have been after her examination. And we had asked
25 for her examination in October.

1 THE COURT: And why is that, that you want to do them
2 after, why do you want to do the judgment debtors after you do
3 Ms. McFadden?

10:36:30

4 MS. MARZIANI: Because Ms. McFadden is a domestic
5 partner of one of the judgment debtors, and she has shared
6 financial, we believe, she's shared finances with the judgment
7 debtor, and we wanted to get that information first before
8 taking the citation examination of the judgment debtor, and we
9 will --

10:36:50

10 THE COURT: She's a domestic partner, I take it, of
11 one of them?

12 MS. MARZIANI: I'm sorry?

13 THE COURT: She's, I take it, a domestic part of one
14 of the two judgment debtors?

10:37:00

15 MS. MARZIANI: Yes, yes, yes.

16 THE COURT: Okay. So that explains, you just
17 explained why you want to take Ms. McFadden's deposition
18 before you take the examination -- I said "deposition," I
19 meant "examination" -- before you take the examination of that
20 particular judgment debtor.

10:37:09

21 MS. MARZIANI: Yeah.

22 THE COURT: How does that explain the other one? Why
23 do you need to take Ms. McFadden's deposition before the
24 judgment debtor of whom she is not a domestic partner?

10:37:19

25 MS. MARZIANI: Because we believe that there will be

1 additional information from Ms. McFadden that we will be able
2 to use when questioning the judgment debtors, both judgment
3 debtors. Your Honor, they --

4 THE COURT: Okay. You've answered my question.

10:37:35

5 MS. MARZIANI: They had a 500,000 euro boat at least
6 that they shared.

7 THE COURT: I thought you said 5,000-year-old boat.
8 You said euro boat, okay. That's an old boat.

10:37:49

9 MS. MARZIANI: No. We're talking about a 500,000
10 euro boat.

11 THE COURT: Okay. I understand your point.

12 MS. MARZIANI: And they shared the boat --

13 THE COURT: I'm going to shift gears for a second.
14 What happened on Ms. McFadden? And I'm going to preface this
15 by saying, and this hopefully came through in the order, I
16 said on no planet called Earth is it appropriate to on the
17 date the Court has ordered something to happen by on that day
18 file a motion asking to extend it. It does not work on this
19 planet. So what happened?

10:37:58

10:38:17

20 MR. GAVRILOS: Yes, Your Honor. Just, first of all,
21 as a threshold matter, I want to point out the date of
22 citations that we mentioned earlier was May 5th and May 19th
23 respectively --

24 THE COURT: Okay.

10:38:26

25 MR. GAVRILOS: -- for the defendants and their wife

1 and domestic partner.

2 THE COURT: Okay.

3 MR. GAVRILOS: As to the issue with Ms. McFadden, the
4 reason, working backwards from the issues that you identified
10:38:34 5 as the most important, the reason that the motion was filed on
6 the date of the deadline was that --

7 THE COURT: No. I'm just asking about Ms. McFadden.
8 Oh, I'm sorry, yes, that is what you are going to talk about.
9 Okay, yeah.

10:38:43 10 MR. GAVRILOS: Yes. There were discussions with
11 counsel. We had numerous discussions on the phone and in
12 writing. I've brought those correspondences with me today.
13 They were, you know, pursuant to Federal Rule 408.

14 So to the extent that those need to be reviewed in
10:38:57 15 camera, we are happy to do so. But the understanding, Your
16 Honor, was that once certain documents were provided, and I'm
17 directly quoting from one of the letters, that the citation
18 examination of Ms. McFadden and defendant Spiro Tsaparas would
19 not be necessary, and we supplied those documents, and we
10:39:15 20 believe that that would resolve all of the issues,
21 specifically the need to conduct a citation examination. We
22 did not hear a response, and we had to file our motion.

23 I would also like to point out, Your Honor, that --

24 THE COURT: So time out. I've got to just tell you
10:39:29 25 it's all well and good that you had these discussions. Here

1 is the main thing you had, a court order, you had a court
2 order. The citation examination regarding Corri McFadden must
3 take place by videoconference by no later than November 17,
4 2023.

10:39:44

5 So I couldn't give two you know whats about what
6 discussions you had. You had a court order that said when
7 that thing had to happen by.

10:40:00

8 And so if somebody wanted to change that, you don't
9 get to agree to change it. It's a court order. It's like
10 saying you have an injunction, we're going to agree to change
11 it. No, you've got to go ask the judge to change the
12 injunction. You can't do that.

10:40:14

13 So one of the possible remedies is I just order
14 Ms. McFadden to come in here like next Monday and we just do
15 it. So why shouldn't I do that?

10:40:30

16 MR. GAVRILOS: Your Honor, under Supreme Court Rule
17 277 that you cited earlier, as a third-party non-judgment
18 debtor, she's entitled to have her examination, if in person,
19 proceed in the county where she resides or alternatively via
20 Zoom, which we posed to opposing counsel.

21 THE COURT: I can do a videoconference here. I can
22 do a videoconference right here. She can be wherever she
23 wants. What is the county where she resides?

24 MR. GAVRILOS: Pitkin County, Your Honor.

10:40:42

25 THE COURT: Is that in Illinois?

1 MR. GAVRILOS: Colorado.

2 THE COURT: Okay, fine. Why shouldn't we do that on
3 Monday? I've just got to get this thing off the dime. The
4 dime is spinning at this point. I've got to get it off the
10:40:52 5 dime. Why can't we do that on Monday?

6 MR. GAVRILOS: Your Honor, we had asked for the
7 deposition actually to proceed on Monday, a couple of days
8 ago, at the direction of this Court. We're happy to conduct
9 that citation examination under the rule that you cited
10:41:05 10 earlier.

11 You know, I'm not going to make any representations
12 or arguments as to the necessity for that examination. Though
13 there has been trial testimony as to the lack of commingling
14 of funds between Ms. McFadden and the defendant judgment
10:41:19 15 debtor, so to the extent that counsel believes that there is a
16 reasonable basis that there is any property in her possession,
17 we believe the transcript of this matter -- but it's her
18 prerogative.

19 THE COURT: When was Ms. McFadden served with this
10:41:29 20 citation?

21 MR. GAVRILOS: That would have been May 5th, Your
22 Honor.

23 THE COURT: Right. So let's just count that. That
24 is six months and 17 days ago. I have not seen a motion to
10:41:38 25 quash it. You waited too long. The examination is happening.

1 I don't care whether you think it's necessary or not. It's
2 been asked for. It's happening. We're going to do it on
3 Monday.

10:41:48

4 MS. MARZIANI: Your Honor, I am -- Your Honor, after
5 this hearing, I am getting in a car and I'm driving out to
6 Connecticut, where hopefully my first grandchild will be
7 born --

8 THE COURT: Well, congratulations.

10:42:02

9 MS. MARZIANI: -- over Thanksgiving. I just -- I
10 continue -- this is why I have to --

10:42:17

11 THE COURT: Here is the deal. Here is the deal. And
12 I know you weren't in this case until after the judgment was
13 entered. But the deal is this, your client evidently wants to
14 take action to enforce the judgment. And for that reason, you
15 served, or whether it was you or your predecessor counsel
16 served all of these citations back in May.

10:42:35

17 They're not going to sit around forever. They're
18 just not. There wasn't a stay of the judgment because it
19 couldn't be stayed, because what needs to happen to entitle
20 somebody to a stay didn't happen. And we're not -- this is
21 not going to linger forever.

10:42:52

22 And what's been happening here -- and I'm sorry if
23 you find this oppressive, okay. I'm sorry if you find this
24 oppressive. What's been happening here is an exercise, an
25 extended exercise in wheel-spinning. And the wheels are going

1 to stop spinning, because I've been asked to do something and
2 I am going to do my job, which is to get this done, and that's
3 going to happen.

4 When do you get back from Connecticut?

10:43:06

5 MS. MARZIANI: So our child -- our grandchild hasn't
6 been born yet. My daughter-in-law is going to be induced on
7 the 26th of --

8 THE COURT: Sunday.

10:43:19

9 MS. MARZIANI: Right, this Sunday. I don't know,
10 we're driving, I don't know when we're getting back. But I --

11 THE COURT: Is it going to be before the 4th of
12 December?

13 MR. GAVRILOS: Your Honor --

10:43:32

14 THE COURT: That's a question. Is it going to be
15 before the 4th of September -- December?

16 MS. MARZIANI: December, I hope so. I don't, I don't
17 know if it is.

18 THE COURT: Is it going to be before the 12th of
19 December?

10:43:41

20 MS. MARZIANI: I would assume it's before the 12th of
21 December.

22 THE COURT: So I'm just going to tell you right now
23 that the option of me sending you off to do citation
24 examinations of the two defendants in front of somebody else
25 is not going to happen. The reason it's not going to happen

10:43:58

1 is that this has been delayed too long.

2 And if I send you off to do that, it's basically a
3 prescription for non-ending delay, and it's not going to
4 happen. The citation examination is going to happen before
10:44:12 5 the judicial officer, which is the first option in the
6 statute, period. That's the way it's going to be.

7 If you want to do Ms. McFadden's deposition first,
8 I'm going to get defense counsel's views on that in a second,
9 but if that's the way you want to do it, and if I conclude
10:44:29 10 that that's right, I'm going to tell you the date that
11 Ms. McFadden's deposition is happening. We're going to do it
12 by video. It's going to happen then. And then we're going to
13 do the other guy's the day after or two days after.

14 MS. MARZIANI: Your Honor --

10:44:40 15 THE COURT: And that's the way it's going to happen.
16 And honestly, you can say whatever you want, I don't care.
17 That's the way it's going to happen. This is going to be done
18 because you've dragged it out too long. You have dragged it
19 out too long.

10:44:53 20 Now, I get that you say that you haven't gotten stuff
21 from the other side. Where have you been? I have been here
22 since May. That is six and a half months ago. That is all
23 coming to an end. The delays are stopping. We're getting to
24 the end of this process.

10:45:06 25 Do you have a problem with doing Ms. McFadden's

1 citation examination by video on the 12th of December?

2 MR. GAVRILOS: As a matter of conflict with the date
3 and time, I do not believe so.

10:45:22

4 I do have some comments as to whether it needs to
5 proceed first --

6 THE COURT: Okay. Give me your thoughts.

10:45:32

7 MR. GAVRILOS: -- because defendants' position is
8 that the citation examinations of them need to happen today.
9 I don't understand the basis for not moving anything else
10 forward before we talk to a third-party non-judgment debtor,
11 especially --

10:45:46

12 THE COURT: Let me throw something out for you. So
13 let's say what happens is we do it the way you say. We do
14 Mr. Tsaparas and Mr. Alexopoulos today. And then we do
15 Ms. McFadden a couple of weeks from now or three weeks from
16 now, whatever it is. And counsel finds out something in those
17 examinations that leads her to believe that she needs to find
18 out more information from the two judgment debtors. Does she
19 get to do that at that point?

10:46:00

20 MR. GAVRILOS: Well, Your Honor, you've extended the
21 citation already over defendants' objection. So to the extent
22 that the citation is still in effect, yes, she could.

23 THE COURT: Okay. What were the other points that
24 you wanted to make?

10:46:12

25 MR. GAVRILOS: Well, the other point, Your Honor, is

1 that, and this is a related issue, if you'll bear with me, I
2 won't take too much of your time on this separate issue, but
3 it has come to our attention that there has already been
4 movement toward the defendants' employers to seek garnishments
5 or wage deductions, right.

6 So clearly we do not have to have the citation
7 examination of Ms. McFadden before we could enter turnover and
8 payment orders, which under 1402 cannot happen before the
9 judgment debtors have an opportunity to assert their
10 exemptions, which is another reason this has to happen today,
11 when their employers are already receiving demands
12 electronically to not pay them or to otherwise withhold their
13 wages.

14 For all of those reasons, there is really no basis to
15 have Ms. McFadden's examination proceed first. Aside from the
16 fact that we believe the attempts to obtain what is I guess a
17 de facto wage garnishment order is improper at this time, but
18 is illustrative of the fact that the examination of
19 Ms. McFadden does not need to proceed before we move forward
20 with the rest of this.

21 THE COURT: What is the date that I have extended the
22 two judgment debtors, individual judgment debtors' citation
23 through at this point?

24 MS. MARZIANI: December 20th, Your Honor.

25 THE COURT: Okay. All right. So now I'm back to

1 you. So what is on the table right now is his proposal.
2 Let's do what you can on the two gentlemen who are here today.
3 Deal with Ms. McFadden later. Citations are still open. If
4 you need more information, if you need to go back to
5 Mr. Tsaparas and Mr. Alexopoulos for more information after
6 that, you can.

7 MS. MARZIANI: Your Honor, I thought today we were
8 going to -- they were going to assert their exemptions and the
9 citation examinations of those individuals then could be
10 continued. And that's honestly what I thought was going to
11 happen, that we were going to hear what their exemptions were.
12 I was going to explain our position on the exemptions. And
13 then they could -- then they wouldn't be complaining that they
14 didn't get a chance to assert their exemptions, because they
15 filed a motion asserting their exemptions. I'm here ready to
16 respond to that motion. And then we could proceed in the way
17 that getting Ms. McFadden's citation examination done first.

18 THE COURT: Okay. So I need a translation of that.
19 So under your scenario, what exactly would we be doing with
20 Mr. Alexopoulos and Mr. Tsaparas today?

21 MS. MARZIANI: Today we would go through their
22 exemptions that they've claimed in their motion. I would
23 explain to you why -- we don't disagree with the statutory
24 exemptions, but I'd explain to you why they can't just be
25 applied to, you know, a certain year Ducati, a certain year

1 Suburban, why, you know, they need to give me more information
2 on it. I thought that they would give me more information on
3 what it was and we could --

10:49:17

4 THE COURT: So you're telling me that you thought,
5 and I think this is what you just said, that you thought that
6 what you were going to be doing with Mr. Alexopoulos and
7 Mr. Tsaparas today was just dealing with the exemptions, is
8 that what you are telling me?

9 MS. MARZIANI: Yes, because I --

10:49:27

10 THE COURT: Okay. So interpret the following
11 sentence for me out of my order of November the 6th, docket
12 number 295, sentence number 3, "The in-person examination on
13 the citations served upon defendant Tsaparas and Alexopoulos
14 set November 9, 2023 is vacated and reset to November 22nd,
15 2023 at 10:00 o'clock a.m."

10:49:44

16 That doesn't say "exemptions." That says "in-person
17 examination on the citations."

18 There is a later order that says they're going to be
19 expected to assert their exemptions today or deal with them
20 today. But that doesn't --

10:49:58

21 MS. MARZIANI: Right.

22 THE COURT: -- wipe out that order.

23 MS. MARZIANI: Right. No, I understand that. And I
24 spent a lot of time checking and trying to figure it out,
25 because the citation examination couldn't possibly, of two

10:50:06

1 judgment debtors, couldn't possibly be concluded in -- I
2 honestly was trying to figure out my day, because my husband
3 is in the car.

4 THE COURT: "Included" doesn't mean "started."

10:50:27

5 MS. MARZIANI: All right. So, Your Honor, I don't
6 know how we could conclude a citation examination of two
7 judgment debtors and --

8 THE COURT: Do you know how we could start it?

10:50:42

9 MS. MARZIANI: Yes, I do know how we could start it,
10 but I don't know how we could conclude it.

11 THE COURT: And the reason you don't think we could
12 conclude is, in part at least, because you don't have this
13 information from Ms. McFadden that you think you need.

10:50:52

14 MS. MARZIANI: One of the reasons is because I don't
15 have that information.

16 THE COURT: What would be the other biggest reason?

17 MS. MARZIANI: The other reason is that I don't have
18 enough time to go through --

19 THE COURT: Too much to go through?

10:51:00

20 MS. MARZIANI: It's thousands of pieces of paper that
21 I would be asking them questions about.

22 THE COURT: Okay.

10:51:13

23 MS. MARZIANI: And I physically couldn't get them
24 here. I was like trying -- and then I thought, well, that
25 couldn't be what he wants. He probably just wants us to start

1 it and get the exemptions figured out, and then we'll
2 conclude -- we'll set up times to do it for each individual
3 one. And, you know, if it has to be by video because
4 Mr. Tsaparas is in Aspen, Colorado, you know, we would work
5 that out.

10:51:39

6 But physically, I couldn't bring all the pieces of
7 paper here.

8 THE COURT: So the problem that you cited earlier
9 with doing Ms. McFadden's examination or with doing the --
10 yeah, Ms. McFadden's examination now is that, at least one of
11 the problems is that your clients need to be able to -- you
12 need to have the exemptions at least asserted or adjudicated
13 or am I misunderstanding it?

10:51:51

14 MR. GAVRILOS: No, no, not at all. We were not ever
15 objecting to Ms. McFadden's citation examination. My comment
16 about, you know, the commingling of funds in the trial
17 transcript was to the necessity of that happening first.

10:52:08

18 Obviously as a partner, you know, living with a
19 judgment debtor, she's fair game for a citation examination.
20 There is no dispute for that.

10:52:23

21 The ultimate issue as to why it hasn't happened, you
22 know, within the parameters set forth in your order is simply
23 the request to conduct that examination needed to be worked
24 out first, because first it was requested to be in person in
25 Denver, which is not the county that she resides in.

10:52:38

1 Then the motion to extend the citation was granted.
2 After the motion to extend was granted, we were given three
3 dates, and it was 15 --

10:52:51

4 THE COURT: The issue you raised about sequencing
5 though had to do with -- I'm sorry, it was something else. It
6 was assertion of the exemptions and then this issue about
7 garnishments.

8 MR. GAVRILOS: It was on the issue or rather the
9 contention that we can't proceed with --

10:53:00

10 THE COURT: Okay.

11 MR. GAVRILOS: -- the judgment debtors before we go
12 with Corey McFadden. I don't believe there was --

10:53:07

13 THE COURT: There was also this thing about the
14 garnishments that you mentioned a moment ago, that you can't
15 do a garnishment until the exemptions have been determined.
16 That's what you said, right?

10:53:19

17 MR. GAVRILOS: Yes, that is what I've said. And that
18 is what we're complaining about, Your Honor. Opposing counsel
19 mentioned that we were looking for a time to assert our
20 exemptions. That's not what we're complaining about.

10:53:31

21 We are raising the fact that the citations were
22 issued in May. The production was made in August. An
23 extension was granted. No turnover orders were moved for by
24 opposing counsel. Yet, bank accounts are frozen, employers
25 are being served with requests to not pay them.

1 THE COURT: Okay. I get that. You don't have to go
2 through the litany again.

3 So here is the deal, folks. And, again, I apologize
4 if you think that this is oppressive. You started this, okay.
5 You started this on the plaintiff's side by serving these
6 things and then letting them sit.

7 In my humble opinion that is what you did, because
8 nobody came to me at any point in time until quite recently
9 and said: We're not getting satisfaction from the defendants.
10 That didn't happen until quite recently.

11 So here is the deal. Right now it is 5 minutes to
12 11:00. I'm going to give you 15 minutes to talk, and that
13 doesn't mean yell, it means talk, and try to figure out what,
14 if anything, needs to be done today and what the sequence of
15 things is that needs to happen after this and the dates on
16 which it's going to happen. Is that clear enough?

17 MS. MARZIANI: Your Honor, it's very clear to me.

18 THE COURT: Okay, fine. I will walk back out here
19 when the big hand hits the 2, and I expect you to be able to
20 give me an answer to that question. If you can't and you are
21 in dispute, that's fine. I'm a judge. I'll make a decision.

22 But the decision is going to end up, as I said to
23 those people, you heard me say it, any decision when we are
24 talking about dates and stuff and line drawing is going to
25 have an element of arbitrariness, you'll do a better job of

1 this than I will.

2 MS. MARZIANI: Thank you very much, Your Honor.

3 MR. GAVRILOS: Thank you, Judge.

4 (Recess)

11:11:17 5 THE COURT: Okay. We're recalling the case. We
6 don't need to give your names again. So where are we?

7 MR. GAVRILOS: Your Honor, we did speak. I believe
8 we have an agreement. I'll let counsel --

9 THE COURT: Okay.

11:11:26 10 MR. GAVRILOS: -- go after, if there is anything that
11 she disagrees with.

12 It's my understanding that what we would like to do
13 today is start with the claimed exemptions that were filed.
14 And counsel indicated which ones she agrees to, which ones she
11:11:39 15 does not agree to.

16 The ones that are agreed to we are fine memorializing
17 in an order, to be done with that part of the supplementary
18 proceedings. The actual examinations of defendant Tsaparas
19 and Alexopoulos will be continued to whatever date you will
11:11:55 20 provide by Zoom.

21 And in the interim, both defendants will be permitted
22 one unfrozen account to use finances.

23 THE COURT: Okay. You started off saying
24 Ms. Marziani was going to explain it, and I think you then
11:12:07 25 explained it.

1 So is what he just said right or is there more to it
2 than that?

3 MS. MARZIANI: I think that's correct.

4 THE COURT: Okay. So in terms of what we're doing
11:12:15 5 right now, obviously I'm going to have to enter an order of
6 some sort. I'm going to ask you guys to kind of draft the
7 language of that to wordsmith it. But it sounds like I'm
8 going to need to do something here in the courtroom with
9 somebody, and I'm just not clear on what -- no?

11:12:27 10 MS. MARZIANI: No. I don't --

11 MR. GAVRILOS: I'm sorry, you leaned back. I
12 couldn't --

13 THE COURT: I'm going to need to do something here in
14 the courtroom with somebody aside from entering an order or
11:12:34 15 no?

16 MR. GAVRILOS: Somebody, us two going through the
17 motion to claim exemptions.

18 THE COURT: Yeah.

19 MR. GAVRILOS: Not necessarily a citation
11:12:39 20 examination, yes.

21 THE COURT: Okay, fine. So let's do that.

22 MS. MARZIANI: Okay.

23 THE COURT: Let me just pull it up. Docket number
24 298. Okay. I've got it up.

11:12:57 25 So who is going to talk first?

1 MR. GAVRILOS: Yeah, I'm happy to just --

2 THE COURT: Is it me? That's fine. Go ahead.

3 MR. GAVRILOS: -- go down the checklist of the
4 exemptions that we're claiming in the order that I presented
5 them in the motion.

11:13:03

6 MS. MARZIANI: Otherwise I can just tell you what I
7 agree to and what I don't agree to.

8 THE COURT: Okay, fine.

9 MS. MARZIANI: Okay. So plaintiff agrees to the

11:13:09

10 statutory exemptions as outlined in Illinois law.

11 With Mr. Tsaparas, we also agree that the wage
12 exemption of 85 percent from M Sourcing LLC, and we believe it
13 should begin from when they were served with the citation to
14 discovery assets and --

11:13:38

15 THE COURT: When you say "it should begin," what's
16 the "it"?

17 MS. MARZIANI: That the deduction --

18 THE COURT: Okay.

19 MS. MARZIANI: -- should have begun with the service
20 of M Sourcing LLC, which was August 22nd, 2023.

11:13:45

21 I did provide a proposed order to counsel for M
22 Sourcing LLC, and we did file a motion for turnover of wages.
23 But in our motion for turnover of wages, I was looking at the
24 federal exemption, and I agree with counsel now that it's the
25 Illinois exemptions, which would be again 85 percent.

11:14:13

1 And I believe that in the motion for exemptions, that
2 counsel suggested that the amount payable to the plaintiff
3 then would be 2,884.60, my math said 2, but 1 or 2, for each
4 pay period.

11:14:43

5 And I concluded that from August 22nd to today, there
6 had been six payments. And my math said that would have been
7 \$17,307.72. And then with each payment, each wage payment to
8 Mr. Tsaparas, the plaintiff would receive 2,884.62. And
9 usually those paid on a monthly basis to the plaintiff.

11:15:21

10 MR. GAVRILOS: Your Honor, if I may respond just on
11 this specific issue?

11:15:34

12 THE COURT: So I think my question wasn't clear
13 enough. So I'm trying to figure out what I need to do here,
14 okay. And so you said -- that's what I'm trying to figure out
15 is what I need to do, because I'm sitting here, I've got to
16 figure out what I need to do, okay.

17 And I think what I heard you say is that we were
18 going to go through the exemptions. You were going to say
19 what's agreed to and what's not agreed to.

11:15:45

20 MS. MARZIANI: Yes.

21 THE COURT: And then I was going to maybe have to
22 decide something on the stuff that's not agreed to.

23 MS. MARZIANI: Yes.

24 THE COURT: I think that's what I'm supposed to do.

11:15:51

25 Am I right so far?

1 MS. MARZIANI: Yes, correct.

2 THE COURT: All right, all right, all right. So then
3 you started off by saying: We agree to what Illinois law
4 requires. Not terribly helpful, because there may be a
5 dispute about what Illinois law requires.

11:16:01

6 So here is what I think what I would like to do. Do
7 you have in front of you the motion?

8 MS. MARZIANI: Yes.

9 THE COURT: Docket number 298, the motion to claim
10 exemptions.

11:16:10

11 MS. MARZIANI: Yes.

12 THE COURT: So there is a section involving
13 Mr. Tsaparas that starts on page 4, and it's numbered or it's
14 lettered A through E.

11:16:20

15 MS. MARZIANI: Yes.

16 THE COURT: And then there is a section regarding
17 Mr. Alexopoulos that starts at page 6, it's also lettered A
18 through G.

19 MS. MARZIANI: Yes.

11:16:26

20 THE COURT: It would be helpful to me is if you could
21 go through each of those letters and say: We agree to this
22 one. We disagree with that one. Just give me yeses or noes
23 and then we could go back on the disagree ones and you can
24 tell me specifically what you disagree to.

11:16:40

25 MS. MARZIANI: Okay.

1 THE COURT: Okay.

2 MS. MARZIANI: I'm ready.

3 THE COURT: All right. Go ahead.

4 MS. MARZIANI: So A is the exemption related to wages

11:16:44 5 and --

6 THE COURT: That's the one you have an issue about?

7 That's the one you were just talking about right now?

8 MS. MARZIANI: It's no issue. We agree with the --

9 MR. GAVRILOS: No, no. There is an issue. But keep

11:16:51 10 going.

11 THE COURT: Okay.

12 MS. MARZIANI: We agree with the 85 percent.

13 THE COURT: Okay.

14 MS. MARZIANI: The issue that counsel will advise you

11:17:01 15 about is when does that, when does the 15 percent have to be

16 paid to the plaintiff.

17 THE COURT: Okay. Thanks.

18 MS. MARZIANI: Okay.

19 THE COURT: We'll come back to these. I just want to

11:17:14 20 get the laundry list first.

21 MS. MARZIANI: Yes, yes, yes. So then B, the wild

22 card exemption under Illinois law gets a \$4,000 wild card

23 exemption on whatever property you have.

24 What is stated here we disagree with, only because we

11:17:35 25 don't have enough information as to the value of the items

1 alleged to be their assets. And we agree you get a \$4,000
2 wild card exemption. I just don't know if the piece of
3 jewelry in that paragraph, what it is and if it's really worth
4 \$3,000. But I don't -- or the firearm is worth \$2500. I
5 don't know.

11:18:04

6 And I don't believe that, I don't believe that we
7 have to reach a decision on that until the plaintiff says, I'd
8 like those items turned over. Once we know what they are,
9 maybe they're worth substantially more than the exemption. So
10 that's my answer on B.

11:18:26

11 On C, there is a \$2400 for one vehicle exemption
12 under Illinois law. For Mr. Tsaparas, they list a 2017
13 Ducati. They list a 2002 BMW and a 1991 Lancia.

14 MS. MARZIANI: Lancia. I don't know, I don't know,
15 you know, the mileage. I don't know -- I don't have any way
16 of knowing what they could be worth. But I agree that it's a
17 \$2400 exemption on one vehicle.

11:19:03

18 There are three vehicles listed there. And that's
19 where my disagreement comes in, is the description is
20 insufficient to allow us to say whether or not, you know, the
21 Ducati is free and clear or not.

11:19:27

22 D is family's personal clothing, schoolbooks and
23 family photos. I agree that there is an exemption. The
24 problem that I have is there may be items of clothing that
25 have substantial value.

11:20:00

1 Ms. McFadden's business itself is selling used or
2 gently used items of personal property, like clothes and that.
3 And without more of a description, the age, the condition of
4 the items, there is no way of telling. But, again, unless
5 there is a turnover order, we don't need to argue about the
6 exemption.

7 MR. GAVRILOS: Well, Judge, I guess I'm just going to
8 jump in. I'm kind of surprised to hear all of that, because
9 that doesn't sound like there's a whole lot of agreement on
10 our exemptions.

11 THE COURT: That's the way I'm listening to it,
12 nothing is agreed to.

13 So, look, I'm just going to be real practical about
14 this. The citation is currently extended through -- what was
15 the date, December the --

16 MR. GAVRILOS: I actually thought it was January 4th,
17 but it may be December 20th. I think that was the date that
18 counsel stated.

19 MS. MARZIANI: It's December, I thought it was
20 December 20th.

21 THE COURT: December 20th sounds right to me.
22 Whatever it is. Here is the deal, you are not going to be
23 done with this by December the 20th. You are going to have to
24 convince me to extend them again.

25 And so basically what I am -- what my take-away from

1 what you just said is we can't pretty much do a darned thing
2 today because you don't know, A, you don't know the value of
3 the jewelry. You don't know what the cars are worth. You
4 don't know how much mileage is on them. You don't know
5 whether there is extremely valuable items of personal
6 clothing. And you don't know any of that, and there is a
7 reason why you don't know any of it, because you haven't done
8 the citation examinations yet. That's why you don't know any
9 of it, okay. That's why we were here today.

10 So basically what I'm hearing out of this, at least
11 Mr. Tsaparas, who we've now gone through, I pretty much can't
12 do anything today. That's fine. I can live with that, okay.

13 But you're going have to convince yours truly to
14 extend these citations again. And part of the decision-making
15 process on that that I am going to go through is whether I
16 think you have been reasonably diligent in pursuing these
17 matters since you served the citations over six and a half
18 months ago. And right now I'm leaning against you.

19 MS. MARZIANI: I understand that completely.

20 THE COURT: I'm leaning against you. So okay, fine.
21 If there is nothing for me to decide today, all well and good,
22 then I'm going to proceed to decide --

23 MS. MARZIANI: Well, Your Honor, I --

24 THE COURT: -- this motion -- I'm in the middle of a
25 sentence.

1 MS. MARZIANI: Oh, sorry.

2 THE COURT: Now I lost my train of thought because
3 you interrupted me. So now I've got to pull up the
4 transcript. Give me a minute.

11:22:36

5 Never mind. I don't know what I was going to say.

6 MR. GAVRILOS: Your Honor, I believe you were about
7 to make a ruling on the motion for turnover that was filed.

11:22:49

8 THE COURT: You're not going to get the turnover
9 until the exemptions are adjudicated. You're telling me right
10 now I can't adjudicate the exemptions because you don't have
11 enough info. You don't have enough info for me to decide
12 whether it's okay for them to assert the three grand on the
13 jewelry, whether it's okay for them to assert the other
14 thousand dollars from the wild card exemption on the BMW and
15 what exactly that means.

11:23:01

16 You are telling me on some of this stuff I don't have
17 to decide it now because there is no motion for turnover
18 order. You are telling me everything is going down the road.

11:23:13

19 That's okay. That's okay. But there is consequences
20 to all of this stuff. One of the consequences may be you
21 don't get another extension of the citations. That may be a
22 consequence. And they expire in, what, four weeks, 30 days or
23 something like that.

11:23:25

24 Another consequence is going to be I have been told,
25 and I think it's right, that you don't get garnishment until

1 the exemptions are adjudicated. Am I wrong about that?

2 MS. MARZIANI: You are.

3 THE COURT: What's wrong about that?

11:23:35

4 MS. MARZIANI: Because we've agreed on the exemptions
5 for wages. And so an order could be entered today --

6 THE COURT: On the wages?

7 MS. MARZIANI: On wages, absolutely. We agree on --

8 THE COURT: Basically what you are saying is that the
9 wild card exemption doesn't have anything to do with that.

11:23:45

10 MS. MARZIANI: Not at all, no.

11 THE COURT: Cars don't have anything to do with that.

12 MS. MARZIANI: No.

13 THE COURT: The jewelry doesn't have anything to do
14 with that.

11:23:51

15 MS. MARZIANI: No, they don't have anything to do
16 with it.

17 THE COURT: Okay. Pause.

18 What about that?

11:23:55

19 MR. GAVRILOS: Your Honor, the very first case that I
20 cited in our motion reads, "To qualify as wages for purposes
21 of wage deduction and garnishment, money has to be owed by an
22 employer to a judgment debtor."

23 So backpay wages that have already been transferred
24 to the debtor are not at issue for a wage deduction or
25 garnishment pursuant to this case. So that is the

11:24:08

1 disagreement on the wages, is that it should not be as of the
2 date of service of the citation, but the date that a turnover
3 order or wage deduction order is entered and served on that
4 employer.

11:24:19

5 THE COURT: Okay. Hang on a second. Let me just
6 process that for a minute. So you are not saying, I take it
7 then, that I have to rule on all of these other wild card and
8 other exemptions for there to be a turnover order.

11:24:36

9 What you are saying is the dispute is when the
10 turnover of wages starts, the turnover of the percentage of
11 wages that the judgment creditor is entitled to starts,
12 whether it starts now, upon entry of the turnover order, if I
13 enter one, or whether it goes back to whenever.

11:24:53

14 MR. GAVRILOS: For purposes of the exemption to wages
15 only, yes.

16 THE COURT: Yeah, right, okay. And there is no
17 dispute on the amount of the exemption to wages. You said
18 there was an issue about federal or state. But you agree it's
19 state?

11:24:58

20 MS. MARZIANI: We agree, we agree that Illinois --

21 THE COURT: Okay.

22 MS. MARZIANI: That's why I prefaced this with we
23 agree on Illinois.

11:25:07

24 THE COURT: So what he's telling me is that you don't
25 get -- it doesn't look back. It's from the date of the

1 turnover order forward. Do you think that's right or do you
2 think that's wrong?

3 MS. MARZIANI: No, Your Honor. What I think that
4 counsel is mentioning is that if the wages are already in the
11:25:20 5 hands of the judgment debtor, that those wages we wouldn't be
6 able to get. But what --

7 THE COURT: That's just like any other property
8 basically.

9 MS. MARZIANI: Right, right. I'd have to get it some
11:25:33 10 other way.

11 THE COURT: Yeah.

12 MS. MARZIANI: But we're entitled to the wages, the
13 15 percent in this situation from the date of service on the
14 employer. And so that's what our position is. I agree --

11:25:51 15 THE COURT: Okay. So, and maybe it's just I don't
16 understand all this lingo, okay, but let me just, let me just
17 put some numbers on this and give you an example.

18 So let's say in my hypothetical example the citation,
19 today is the 20th of November, let's say a citation, the
11:26:04 20 citation was served on the 20th of September, so two months
21 ago. And on the 21st of September, the employer paid \$10,000
22 in wages to the judgment debtor. And on the 21st of October,
23 the employer paid \$10,000 in wages to the judgment debtor.
24 And then on the 21st of November, the Judge issues a turnover
11:26:24 25 order.

1 Do you get to take it out of -- do you get that
2 \$10,000, either of those two \$10,000 payments that were
3 already made?

11:26:32

4 MS. MARZIANI: We get them from the employer, because
5 they should have, they should have withheld because they were
6 served with a citation to withhold then.

11:26:48

7 THE COURT: Got it. And let me, again, let me
8 translate that, you'll tell me if I am getting it right. What
9 you are saying is that if the employer was served with
10 whatever process they were served with, the employer is
11 supposed to know at that point there is a problem here --

12 MS. MARZIANI: Yes.

13 THE COURT: -- I've got to withhold something.

14 MS. MARZIANI: Call me up.

11:26:56

15 THE COURT: If the employer goes ahead and pays the
16 full amount of the wages to the employee, you don't go grab it
17 from the employee right then. As you said, you have to get
18 that from the employee in some other way.

19 MS. MARZIANI: Yes.

11:27:05

20 THE COURT: But the employer may be on the hook.

21 MS. MARZIANI: May be on the hook. And oftentimes in
22 this situation you have an employer that goes: Oh, my gosh, I
23 didn't understand how this all worked, blah, blah, blah.

11:27:15

24 THE COURT: Yeah, yeah, yeah. So when the employer
25 is still on the hook in this situation, let's just say in my

1 hypothetical they are, what is the order that the Judge enters
2 that tells the employer that? Is the turnover order that you
3 are asking for, does it cover this point, in other words?

11:27:34

4 MS. MARZIANI: The turnover order oftentimes covers
5 this point and says that the wages from, 15 percent of the
6 wages from the date of service on the employer should be paid
7 immediately.

8 THE COURT: When did the employers get served with
9 these things?

11:27:47

10 MS. MARZIANI: So with M Sourcing --

11 THE COURT: That's who we're talking about, right.

12 MS. MARZIANI: Yeah, August 22nd.

13 THE COURT: Okay.

11:27:57

14 MS. MARZIANI: And I had conversations with their
15 lawyer and I said --

16 THE COURT: Okay.

17 MS. MARZIANI: -- here is a draft order.

18 THE COURT: Just answer the questions I'm asking. I
19 don't need more information than I want at this point.

11:28:06

20 MS. MARZIANI: Okay.

21 THE COURT: Okay. So here is what I am taking from
22 counsel's presentation here, that as far as your clients are
23 concerned, if they've already been paid the wages, you are
24 right, she doesn't get the 85 percent or the 80 percent or
25 whatever it is of that money.

11:28:19

1 MS. MARZIANI: 15.

2 THE COURT: She has to get that in some other way.

3 But the employer that paid out the wages after the date of
4 service of the document, August 22nd, may be on the hook, is
5 on the hook for the amount that they paid out, not taking into
6 account that they might get -- they might have to withhold
7 some.

8 MR. GAVRILOS: No, Your Honor, I don't believe they
9 would be on the hook for that. Keeping in mind that present
10 counsels have not filed an appearance on behalf of the
11 employer.

12 THE COURT: I was just going to ask, are you their
13 lawyer?

14 MR. GAVRILOS: No. But it's our understanding that
15 the service of the citation is not necessarily what triggers
16 payment of wages, right. It is a wage deduction or
17 garnishment order, because that action is to the employer,
18 whereas a turnover is to the judgment debtor defendant, right.

19 So to the extent she's asking for the employer to
20 turn over 15 percent of the wages, he can only turn over wages
21 that have not yet been paid.

22 THE COURT: I'm just looking at the motion for a
23 turnover order.

24 MR. GAVRILOS: That case citation was page 4.

25 THE COURT: Yeah. So the motion for turnover order,

1 and I'm looking at the one on Mr. Tsaparas at this point, it's
2 docket number 291, in the last paragraphs, where it says this
3 is what you want me to do, A says "Enter a turnover order/wage
4 deduction order against Spiro Tsaparas and M Sourcing LLC in
5 the amount of 25 percent" -- which is the wrong amount.

11:29:49

6 MS. MARZIANI: It's wrong.

7 THE COURT: It should be 15 percent.

8 MS. MARZIANI: Right, it's 15.

9 THE COURT: "15 percent of defendant Spiro Tsaparas'
10 wages from May 25, 2023 through October 31, 2023 of \$56,336."
11 That number is wrong.

11:29:57

12 MS. MARZIANI: Yes.

13 THE COURT: But even that has it going back, not to
14 August the 22nd --

11:30:10

15 MS. MARZIANI: Exactly.

16 THE COURT: -- to May the 5th. So that's wrong, too?

17 MS. MARZIANI: There is an argument for it. And I
18 will concede that August 22nd is the right number.

11:30:22

19 THE COURT: All right. But even if we change that,
20 that order asks for the order -- this motion asks for the
21 order to run on the backward-looking aspect of it both against
22 M Sourcing and Mr. Tsaparas. And you just told me that's not
23 right. The back-looking part of it is just M Sourcing.

24 MS. MARZIANI: So we'll concede that as well.

11:30:50

25 THE COURT: Okay. And then the second thing it asks

1 for is it asks for a separate turnover order/wage deduction
2 order against Tsaparas and M Sourcing going forward.

3 MS. MARZIANI: Going forward.

4 THE COURT: Yeah, okay.

11:31:08

5 And your position, your position on what I should do
6 on this motion today is what exactly?

7 MR. GAVRILOS: On the motion for turnover?

8 THE COURT: Yeah. Deny it outright, grant it in part
9 in a different way, and if so, what, or something else?

11:31:27

10 MR. GAVRILOS: Well, in our opinion it should be
11 denied outright for two reasons. With respect to any action
12 that is compelled by Mr. Tsaparas, he cannot be compelled to
13 turn over anything before his, all of his exemptions are
14 validly ruled on.

11:31:41

15 THE COURT: So this is a big circle here.

16 MR. GAVRILOS: Right.

17 THE COURT: It's a big circle. We keep getting back
18 to that.

19 Okay. So in order for him --

11:31:51

20 You've got to understand why I'm frustrated,
21 Ms. Marziani, right? You've got to understand why I'm
22 frustrated. We've been out here talking about this for an
23 hour now, and I feel like we're -- you remember the game
24 Monopoly? We're still on Go. We haven't even gotten to
25 Baltic Avenue yet.

11:32:05

1 MS. MARZIANI: May I say something?

2 THE COURT: We haven't moved anywhere. I've got --
3 he's saying I've got to adjudicate the exemptions before I can
4 do that. Why do I have to adjudicate an exemption that you
11:32:17 5 are saying that you are going to assert on jewelry and a car
6 before I can enter a wage deduction order?

7 MR. GAVRILOS: So the second part of the objection to
8 the turnover order regards action compelled by the employer.

9 THE COURT: Are you going to answer the question I
11:32:30 10 just asked or are you going to answer some other question that
11 I didn't ask you?

12 MR. GAVRILOS: Because I suppose at present what
13 opposing counsel is categorizing as wages is not wages,
14 because wages are unpaid. What is being categorized as wages
11:32:43 15 now is just simply Mr. Tsaparas's money, right.

16 So that's why it is critical that these exemptions be
17 heard, because what she's looking for is just a turnover of
18 his funds generally. They lost --

19 THE COURT: We're talking about a motion. I just
11:32:57 20 quoted it for God's sake. I just quoted it. It's not what
21 it's asking for. It's asking for a wage deduction, a turnover
22 order/wage deduction order.

23 And I get -- and she just conceded a couple of
24 things. She conceded it's not 25 percent. She conceded as to
11:33:12 25 the company, it doesn't go backward.

1 MR. GAVRILOS: So the second part of that, the
2 turnover or wage deductions as opposed to future wages that
3 are to be garnished per the Illinois statutes, there is no
4 objection to that. And that is essentially what we're looking
5 for.

11:33:28

6 THE COURT: Yay, there is something I can do.

7 MS. MARZIANI: I think you should do it.

8 THE COURT: There is something I can do. I can enter
9 the second part of it, right?

11:33:35

10 MR. GAVRILOS: On the motion for turnover?

11 THE COURT: Yeah.

12 MR. GAVRILOS: Correct. And, Your Honor, just one --

13 THE COURT: Hallelujah.

14 MR. GAVRILOS: One note I want to make. I'm not sure
15 the Court is aware, M Sourcing is a Colorado entity.

11:33:45

16 THE COURT: So what?

17 MR. GAVRILOS: So it's our understanding that the
18 order of this Court has to be delivered through the Colorado
19 clerk of the county where they reside. And that was another
20 good-faith basis --

11:33:54

21 THE COURT: What do I care about that? Are you
22 saying I can't enter an order. It has to be done in Colorado.
23 Are you just saying it's just how it gets served?

24 MR. GAVRILOS: Just how it gets served, Your Honor.

11:34:04

25 THE COURT: Why do I care about that?

1 MR. GAVRILOS: Well, because to date there have been
2 direct communications from plaintiff to the employers before
3 the turnover --

4 THE COURT: Not my problem right now.

11:34:12 5 MR. GAVRILOS: Okay.

6 THE COURT: Okay. I don't -- it's above my pay grade
7 to serve orders. I'm not going to worry about that at this
8 point.

9 MR. GAVRILOS: Okay.

11:34:25 10 THE COURT: Okay. So I now have an hour and a half
11 in, I've ascertained one thing that I can do. That's a good
12 thing.

13 So interpreting what you said a second ago, I think
14 what you are telling me, and you'll tell me if I am getting it
11:34:43 15 wrong, is that as to wages that have already been paid, that's
16 just property that Mr. Tsaparas has, and I can't do anything
17 about that in terms of a turnover order or anything else until
18 I've adjudicated his exemptions because his exemptions apply
19 to property that he has.

11:35:02 20 MR. GAVRILOS: That's correct.

21 THE COURT: Did I get it right?

22 MR. GAVRILOS: Yes, Your Honor.

23 THE COURT: It kind of sounds like it ought to be
24 right to me. Is it wrong? I'm talking about money that he's
11:35:09 25 already been paid in wages from May to now or from August to

1 now or whatever it is.

2 MS. MARZIANI: If all you are discussing right now is
3 the wage deduction turnover order, I don't disagree. But
4 going beyond that, I would disagree.

11:35:23 5 THE COURT: What is the part that you disagree with?

6 MS. MARZIANI: I don't think that there has to be a
7 determination on the firearms, the jewelry, the vehicles, the
8 clothing until plaintiff says: You know what, I'd like to
9 have those. After we find out what they are.

11:35:44 10 The cash in bank accounts, there is a \$4,000 wild
11 card exemption. We don't disagree with that, but --

12 THE COURT: It sounds like he doesn't want to assert
13 it on his bank account. It sounds like he wants to assert it
14 on this ring or whatever it is.

11:35:58 15 MS. MARZIANI: Right. So if that's what he wants to
16 assert it on, that's fine. We're not talking about anything
17 other than right now wages.

18 THE COURT: One of the things that counsel said
19 earlier was that you thought that -- he thought that there was
11:36:12 20 an agreement about having access to a bank account.

21 MS. MARZIANI: Yes.

22 THE COURT: Okay. So because I too would like to
23 leave sometime today like everybody else, perhaps we could
24 kind of pretend like I'm a judge in the Circuit Court of Cook
11:36:31 25 County and you guys are going to write out the order that you

1 want me to enter, and then I'll look at it and decide if I
2 have to tweak it. And then we can, and then we'll get it
3 entered.

11:36:44

4 MS. MARZIANI: Your Honor, we also I think have an
5 agreement about the wages.

6 THE COURT: Fine. Put it in an order. I just want
7 to be able to know what I am deciding and know what I'm not
8 deciding.

11:37:00

9 So for the last 30 minutes, I started off being told
10 "We think we have an agreement on everything except one
11 thing." And then that took about 30 seconds. And then for
12 the other 29 and a half minutes, it was that this is where the
13 problems are and this is what we haven't agreed to.

11:37:18

14 So like I said, I want to be able to do something. I
15 want to know what I have, what I'm able to do. I want know
16 what is left on the table. And I want to know when what is
17 left on the table is going to get done and how it's going to
18 get done. And so that's what has to be done.

11:37:32

19 None of you guys get to leave until I know that.
20 It's just that simple. You don't get to leave until I know
21 that. If that's 9:00 o'clock tonight, you don't get to leave
22 until I know that. It's in your interest for me to know it
23 sooner rather than later.

11:37:45

24 So the only way for me to do that, I tried the talk
25 about it and talk to me thing. It didn't work, okay. So what

1 we're going to now is you are going to write it out. You are
2 going to write out this agreed order. And then there is going
3 to be some sort of a proposal as to what -- and the agreed
4 order is to include this is the process that's going to happen
11:38:03 5 from here on in to decide what's left. That's what you are
6 going to do, okay. And you have as much time to do that as
7 you want to take.

8 MR. GAVRILOS: Your Honor, if I may just submit one
9 more comment respectfully?

11:38:15 10 THE COURT: Nah. I'm done talking to you guys at
11 this point.

12 MR. GAVRILOS: Thank you.

13 THE COURT: Do what I said. Nobody gets to leave
14 until it's done. That's an order.

11:38:29 15 (Recess)

16 THE COURT: All right. Do you have something for me?

17 MS. HERRING: We do.

18 MR. GAVRILOS: We do, Judge.

19 THE COURT: Okay. Can I just look at it?

12:29:44 20 MR. GAVRILOS: My apologies. May I approach?

21 THE COURT: Yes, that's fine.

22 MR. GAVRILOS: Your Honor, the one thing that we did
23 discuss is potentially parsing out some of the wage deduction
24 stuff for a separate order, but I leave that up to you.

12:30:27 25 THE COURT: When you say "the wage deduction order,"

1 do you mean the last two paragraphs of this?

2 MS. MARZIANI: Yes, I think so.

3 THE COURT: One regarding Estia and one regarding M
4 Sourcing?

12:30:40 5 MS. MARZIANI: Yes.

6 MR. GAVRILOS: Yes.

7 THE COURT: So here would be my suggestion, is that
8 you keep it in this and that you also do a separate order on
9 one of those so you have something clean you can serve on each
10 one of those people.

11 MR. GAVRILOS: Understood.

12 MS. HERRING: So, Judge, the other issue, the
13 separate order was with the US Bank account for Mr. Tsaparas.
14 He needs -- the bank has explained that he needs a separate
15 court order.

16 THE COURT: Something that just talks about that?

17 MS. HERRING: Yeah, so that we can just hand it to
18 them. So we would just ask that one to be separated out.

19 MS. MARZIANI: So there would be three separate.

12:31:08 20 THE COURT: Right, okay. That all seems fine to me.

21 The one thing I'm going to add in is having you file
22 some kind of a status report after the last date in here, you
23 know, just right around the last date. So here would be my
24 suggestion. First of all, you can take -- I'm going to give
12:31:30 25 this back to you. You can take the proposed line out of the

1 heading and then just do whatever cutting and pasting you need
2 to do to have the other three orders. Put a signature line
3 and a date in it for me. And email them all, email the Word
4 versions all to Melissa, and they'll get entered today.

12:31:55

5 MR. GAVRILOS: Sound good, Judge.

6 MS. HERRING: Great.

7 MR. GAVRILOS: Just one quick point of clarification.

8 And I thought of this right as I stood here. I put in the
9 caption that we're here on plaintiff's motion for turnover.

12:32:03

10 And I recall the verbiage of your ruling was like half of it
11 was denied, the other half is entered and continued. Or how
12 do we want to phrase that for purposes of this order?

13 THE COURT: I don't know. That's what I was hoping
14 you guys would do.

12:32:16

15 MR. GAVRILOS: Well, it was more so just your
16 perspective on the turnover order for back wages and then
17 moving forward. I guess can we say that it was denied as to
18 the first part and then withdrawn as --

19 MS. MARZIANI: Oh, I would --

12:32:28

20 THE COURT: I think the language in the order
21 embodies what the ruling is. I'm just going to terminate it
22 as a, quote-unquote, pending motion at this point.

23 MR. GAVRILOS: Okay.

24 MS. MARZIANI: I think that would be --

12:32:36

25 MR. GAVRILOS: So I can put in there that the motion

1 is terminated then? We're giving --

2 THE COURT: You don't need to. We'll just do that on
3 our end.

4 MS. MARZIANI: You don't need to.

12:32:43

5 MR. GAVRILOS: Okay.

6 THE COURT: We'll just do that on our end. So you're
7 going to send four orders to Melissa. She'll give you the
8 email address. I'll get them all entered today. We'll enter
9 a date for people to file a status report, which will probably
10 be right around the last date that you've got in there. And
11 then I won't need to have you come back anymore.

12:32:54

12 MS. HERRING: Judge, there is a pending petition that
13 NHC filed regarding Mr. Alexopoulos's house. Our response is
14 due on 11/30. That's still on our radar.

12:33:10

15 THE COURT: Okay. That's still out there?

16 MS. HERRING: Yes.

17 THE COURT: Okay, fine. Okay, great. Thanks.
18 Thanks for the work. Appreciate it.

19 MR. GAVRILOS: Thank you, Judge.

12:33:17

20 MS. MARZIANI: Thank you, Judge. Happy Thanksgiving.

21 (Proceedings concluded)

22 C E R T I F I C A T E

23 I, Jennifer S. Costales, do hereby certify that the
24 foregoing is a complete, true, and accurate transcript of the
25 proceedings had in the above-entitled case before the
Honorable MATTHEW F. KENNELLY, one of the judges of said
Court, at Chicago, Illinois, on November 22, 2023.

/s/ Jennifer Costales, CRR, RMR, CRC